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SUBJECT: EIGHTEEN YEARS LATER, PINOCHET-ERA HUMAN RIGHTS ABUSES STILL WEND THEIR WAY THROUGH CHILE'S COURTS

¶1. (SBU) SUMMARY: Although General Augusto Pinochet stepped down as President in 1990 and died two years ago, Chile continues to struggle with his legacy. Successive Concertacion governments were cautious about launching investigations into abuses committed under Pinochet's rule, and Chile's judiciary has been criticized for its slowness in bringing charges against human rights abusers. While many significant criminal cases have been successfully prosecuted in the last few years, others continue to lumber through Chile's judicial system. Pinochet's legacy remains a taboo topic in much of Chilean society, and an area most contemporary Chilean politicians try to avoid. END SUMMARY.

¶2. (U) Although the crimes committed during Pinochet's 17-year rule are legion, some have emerged as particularly emblematic. This cable briefly describes key cases and their current status.

Background

¶3. (U) General Augusto Pinochet came to power as a result of a violent coup deposing President Salvador Allende on September 11, 1973. The following 17-year dictatorship in Chile resulted in government-sponsored kidnappings, assassinations, torture, fraud, and tax evasion. Following his presidency, Pinochet continued to hold office as Army Commander-in-Chief for 8 years, and then became Senator-for-life. Under constitutional reforms passed in 2005, the practice of appointing former presidents Senator-for-life was abolished, and Pinochet lost his senatorial seat.

¶4. (U) Court cases brought against those in power during the Pinochet era were prosecuted under Chile's old inquisitorial legal system. In addition, while he was Senator-for-life, Pinochet had parliamentary immunity from prosecution. Calls to strip immunity were reviewed on a case-by-case basis and could not be applied to multiple cases. Pinochet's lawyers also frequently argued that he was unfit to stand trial due to his failing physical and mental health. In December 2006, Pinochet died without being convicted of any charges stemming from his 17 year rule.

¶5. (U) Manuel Contreras, former Director of the National Intelligence Directorate (DINA), is the most prosecuted figure from the Pinochet era. Contreras was forced into retirement in 1977. He faces close to 300 years in prison on over 25 sentences, with additional charges and appeals both pending. In the most recent case, Contreras was sentenced on September 22, 2008, to seven years in prison for the disappearance of Spanish Priest Antonio Llido Mengual. He is currently serving time in Punta Peuco, a military prison designed especially for those convicted of crimes committed under the dictatorship.

Operation Condor

¶6. (U) In the 1970s, the Chilean Government partnered with Argentina, Bolivia, Brazil, Paraguay, Peru and Uruguay to eradicate left-wing influence through intelligence sharing and assassinations in a campaign known as "Operation Condor."

The Letelier assassination, Operation Colombo, and the Prats assassination, all described below, are among the three most prominent cases carried out as part of Operation Condor.

Operation Condor: Letelier Assassination

¶7. (U) In September 1976, a car bomb in Washington, D.C. killed Orlando Letelier, a former Chilean government minister and former Ambassador to the U.S., and his Amcits assistant Ronni Moffitt. DINA members Manuel Contreras and retired Brigadier General Pedro Espinoza Bravo were among those convicted of involvement in the attack, which was conducted as part of Operation Condor. The case against Pinochet was shelved in 2005 as a result of Pinochet's mental incapacity to stand trial.

Operation Condor: Operation Colombo

¶8. (U) Operation Colombo covered up the politically-motivated killings of 119 members of the Revolutionary Movement of the Left (MIR), a radical leftist group. In 1975, collaborating governments issued reports and created publications masquerading as independent news media to misinform the public about the fate of the MIR members, reporting that they had been killed due to leftist infighting when actually they had been killed or disappeared by secret

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police in Argentina, Brazil, and Chile. On May 23, 2008, Judge Victor Montiglio ordered the arrest of 98 former members of the Chilean security forces responsible for the killing of 42 Chilean dissidents. On June 11, 2008, the Supreme Court unanimously rejected claims by the defense that the long delays in bringing the case to trial and subsequent constitutional changes warranted the dismissal of the case, and instead decided to proceed with the prosecution of the former DINA members. This case is still pending.

Operation Condor: Prats Assassination

¶9. (U) General Carlos Prats, Pinochet's predecessor as the Commander-in-Chief of the Army and a constitutionalist who refused to sanction a coup against President Allende, was assassinated in Buenos Aires in 1974 as part of Operation Condor. Prats' wife was also killed in the car bomb attack. Pinochet and nine former DINA officials were accused of participating in the assassinations. On March 24, 2005, the Supreme Court upheld Pinochet's immunity in this case. On June 30, 2008, Judge Alejandro Solis found the nine other defendants guilty. Former DINA Chief Manuel Contreras will serve two life sentences for the homicides themselves and 20 years for heading an illegal association leading to the assassinations. The remaining eight DINA officials were sentenced to terms ranging from 10 to 40 years in prison.

Caravan of Death

¶10. (U) From September to October 1973, Retired General Sergio Arellano Stark led a military death squad on helicopter expeditions throughout Chile. Their ostensible mission of "ensuring uniform criteria for the administration of justice" left 72 dead and 22 disappeared. The court dropped charges against Pinochet in 2001 when he was found unfit to stand trial. On October 16, 2008, Judge Montiglio convicted five senior military officials, including General Arellano, of murdering four men. Arellano, the highest ranking former official to be convicted, was sentenced to six

years in prison but will not be required to serve his term due to a recent diagnosis of Alzheimer's disease. The remaining four officers will serve prison sentences ranging from four to six years.

Tejas Verdes Detention Camp

¶11. (U) From September 1973 to mid-1974, the Pinochet government detained and tortured close to 1,500 political opponents at the military engineering school at Tejas Verdes, located 60 miles west of Santiago. In 2004, the Valech Commission published a report describing some 28,000 cases of torture and politically motivated imprisonment dating from the Pinochet era, including many cases involving Tejas Verdes. This report prompted Chilean judges to take action, and its findings aided in the prosecution of former DINA members. On March 7, 2005, Judge Alejandro Solis made history by bringing the first charges of torture against Chilean officials for actions at Tejas Verdes.

¶12. (U) In a separate Tejas Verdes case, Judge Solis charged DINA head Manuel Contreras and seven other former military officials with the disappearance of Miguel Herida Vasquez. In August 2008, Judge Solis convicted six of the military officials, including Manuel Contreras, of kidnapping. (Charges against two of the defendants were dropped.) Contreras was sentenced to 15 years; the others received sentences of five years and one day.

Riggs Bank Case

¶13. (U) From 1994 to 2002, Pinochet and his wife used a bank account at the U.S.-based Riggs Bank to disguise millions of dollars of suspect funds and transfer them around the world in violation of financial regulations. In July 2004, a report by the U.S. Senate Permanent Subcommittee on Investigations accused Riggs Bank of participating in money laundering for Pinochet by establishing offshore shell corporations and hiding accounts from regulating bodies. Following this report, Chile formally investigated Pinochet for fraud, misappropriation of funds, and bribery. In 2006, the Chilean government charged Pinochet's family members with misusing public funds. However, in 2007, judges dropped these charges because those accused were not public employees and therefore could not legally be found guilty of misusing public funds.

¶14. (U) On November 11, 2008, Judge Blanca Rojas accused

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Marco Antonio Pinochet, son of Augusto Pinochet, and two of General Pinochet's former business associates, Oscar Aitken and Monica Ananias, of tax evasion totaling roughly USD 3 million. Rojas accused Marco Antonio Pinochet of authoring maliciously incomplete financial documents to hide USD 200,000; Oscar Aitken of tax evasion to the amount of USD 2.6 million; and Monica Ananias of tax evasion of approximately USD 150,000. On October 1, 2008, the State Defense Council (CDE) announced it was initiating measures to acquire funds siphoned from Chile and deposited into U.S. accounts. The banks involved in the CDE inquiry are Riggs Bank, Banco de Chile (New York), Espirito Santo Bank, Banco Santander, Citibank, Coutts of Miami, and Atlantic Bank. Two offshore holding companies with accounts in Argentina, the Bahamas, and Switzerland are currently under investigation.

Comment

¶15. (SBU) Despite many cases which have been brought against members of Pinochet's government in recent years, the Chilean judiciary has been criticized for its slowness in dealing with Pinochet-era human rights cases. While Pinochet stepped down as president in 1990, he remained

commander-in-chief of the Army for the next eight years. Bringing current and former government officials to justice during that era either was not considered, was seen as potentially threatened Chile's internal stability, or was simply seen as too likely to exacerbate the rifts in the deeply divided Chilean society. It was only after Pinochet's 1998 arrest in London that the Chilean judiciary began to seriously grapple with bringing human rights abusers to justice.

¶16. (SBU) Although nearly all Chileans would recognize that there were "excesses" during the Pinochet-era, Chilean society remains deeply divided in terms of its assessment of the period as a whole. For politicians like President Bachelet, who was sharply criticized by some for skipping a ceremony honoring the assassinated right-wing leader and Pinochet advisor Jaime Guzman, Chile's recent history remains a political minefield they enter only reluctantly.

End Comment.

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